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SEP 25 2006

In re David R. Cheriton, Application No. 09/981,125
Remarks C

Applicant respectfully traverses the rejections of independent claims 15 and 23 and dependent claims 16-18. First, Applicant really appreciates the Office providing a detailed statement of its rejections (e.g., explicitly stating elements and text on which it relies). This helps Applicant immensely in understanding the examination of the Office.

Applicants respectfully disagree with the operation of Merchant et al., US Patent 5,408,463, as presented in the Office action. Element 119 is a selector - it selects between the two streams of packets. *See*, Merchant et al., col. 3, lines 56-60. It does not stop switch module 101 or 102 from forwarding a packet such that a packet is only forwarded by one of switch modules 101 or 102. Rather, element 119 receives the packet from both switch modules 101 and 102.

Moreover, there is no teaching that switch modules 101 and 102 operate as follows: "a particular packet is forwarded only by one of the first and the second configurable filters." Rather, quite the opposite. Both switch modules 101 and 102 continuously provide these packets with each processing each and every packet. Merchant et al., col. 3, lines 39-43 ("It is noted that switch modules 101 and 102 operate on all N inputs simultaneously to provide N outputs, namely, outputs 114-1 through 114-N for switch module 101, and outputs 115-1 through 115-N for switch module 102. These outputs are supplied in pairs to transmit line interface units 116-1 through 116-N."); *Id.* at col. 4, lines 4-7 ("As stated before, it is desirable during normal operation of switch 100, that side 0 switch module 101 and side 1 switch module 102 constantly be in-synchronization. The detection of an out-of-synchronization condition then requires, in accordance with the principles of the invention, that during each cell interval, the complete contents of each of the corresponding N queues in side 0 switch module 101 and side 1 switch module 102 be compared for equality."). If both switch modules 101 and 102 did not process and forward each packet, then the protection scheme of Merchant et al. would not work. *See, id.* at col. 4, lines 7-12.

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In summary, Applicant respectfully traverses all pending rejections for the following rational.

- 1) Merchant et al.'s switch modules 101 and 102 are *not* configured such that a packet is forwarded by only one of switch modules 101 and 102. Merchant et al. as discussed *supra*.
- 2) The Office equates switch modules 101 and 102 to the first and second configurable filters recited in independent claims 15 and 23. Office action page 2.
- 3) Therefore, as equated by the Office, Merchant et al. teaches that first and second configurable filters are *not* configured such that a packet is forwarded by only one of the first and second configurable filters. Associative property replacing the teaching of Merchant et al. with the claim elements equated to them by the Office.
- 4) Independent claims 15 and 23 *require* that a packet is forwarded by only one of the first and second configurable filters. Text of claims 15 and 23.
- 5) Therefore, Merchant et al. neither teaches nor suggests all of the claim limitations of independent claim 15 nor its dependent claims 16-18 nor independent claim 23.

Comparing the equated teachings of Merchant with the recited limitations.

As the prior art of record neither teaches nor suggests all the claim limitations of any pending claim, Applicants respectfully request all claim rejections be withdrawn. Therefore, assuming the Office action complies with MPEP § 706 and 37 CFR 1.104(c)(2), then the Office cited the best prior art references available. As the best prior art references available neither teaches nor suggests all the claim limitations of any pending claim, then all pending claims are believed to be allowable over the best prior art available, and Applicants request all pending claims be allowed and the application be passed to issuance.

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Final Remarks. Applicants believe that no additional fees are due, nor is an extension of time required, in connection with this paper. If any such fee or extension of time is required, Applicant petitions for such extension of time, and authorizes the charging of Deposit Account 501430 for any fee due in connection with this paper.

In view of the above remarks and for at least the reasons presented herein, all pending claims are believed to be allowable over all prior art of record, the application is considered in good and proper form for allowance, Applicant requests any and all rejections and/or objections be withdrawn, and the Office is respectfully requested to issue a timely Notice of allowance in this case. If, in the opinion of the Office, a telephone conference would expedite the prosecution of the subject application, the Office is invited to call the undersigned attorney, as Applicant is open to discussing, considering, and resolving issues in order to further prosecution.

Respectfully submitted,
The Law Office of Kirk D. Williams

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By


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